

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD EUGENE JAMES,

Plaintiff,

v.

STATE OF CALIFORNIA, *et al.*,

Defendants.

Case No. 2:21-cv-0713-JDP (P)

ORDER

Plaintiff has four motions pending: a motion for court-ordered law library access and “extraction,” ECF No. 82; a motion to show cause, ECF No. 86; a motion to change the name of the case, ECF No. 88; and a motion to compel, ECF No. 89. Defendants oppose the motion to compel. ECF No. 90. Plaintiff’s motions are denied.

Motion for Court-Ordered Law Library Access and for Extraction

Plaintiff first moves this court to order his current jail to give him access to the law library. ECF No. 82. He contends that he received discovery on flash drives that he cannot access without using the law library, and that the jail is impeding his ability to access the library. *Id.* at 1-2. Plaintiff may show this order to the appropriate officials and offer it as verification that he is litigating this action *pro se*. I decline, however, to interfere with the operations of the

1 Sacramento County Jail directly and to order that he either be provided a specific period of access
 2 to the library or be given any particular services. If his access continues to be inadequate after
 3 presenting this order as proof that he is litigating *pro se*, he may notify the court.

4 In the same motion, plaintiff asks for an “extraction order,” stating he has been unlawfully
 5 held by Sacramento County, and that the sheriff has refused to transport him to federal court. *Id.*
 6 at 2-3. Plaintiff has not been ordered to appear before the court, and he cites no law to support his
 7 request. Plaintiff’s motion is denied.

8 **Motion to Show Cause**

9 Plaintiff moves this court to order non-parties Deputy Joseph Caples, the law library
 10 deputy; Ruby, a law librarian; and Lieutenant Mulligan to answer for allegedly missing flash
 11 drives. ECF No. 86. According to plaintiff, he was presented with legal mail communicating that
 12 one flash drive had been sent to him, and that the flash drive was in Caples’s possession. *Id.* at 1.
 13 Plaintiff later filed a grievance, complaining that information had been deleted from that flash
 14 drive. *Id.* at 1-2. In response, Caples stated that he had six flash drives containing digital
 15 discovery for plaintiff’s civil suit. *Id.* at 2. However, when plaintiff reviewed the flash drives,
 16 only one contained digital discovery for his civil case, and the remaining five contained digital
 17 discovery for his criminal cases. *Id.* Plaintiff asks this court to order these non-parties to “show
 18 cause” and to explain why Caples stated that the six flash drives contained his civil discovery
 19 when they did not. *Id.* I will deny plaintiff’s motion, since this court cannot issue an order
 20 against non-parties. *See Driver v. Kern Cnty. Superior Ct.*, No. 2:20-cv-1665-TLN-KJN, 2023
 21 WL 3340887, at *27 (E.D. Cal. May 10, 2023) (denying plaintiff’s motion to show cause because
 22 it was directed to non-parties).

23 **Motion to Change the Case Name**

24 Plaintiff moves this court to change the case name to reflect the original parties to the suit
 25 that have since been dismissed. ECF No. 88. I will deny plaintiff’s motion as unnecessary. This
 26 case’s name on the court’s internal operating system remains *James v. State of California, et al.*,
 27 and no change needs to be made.
 28

Motion to Compel

A. Background

Plaintiff moved to compel defendant to provide additional information in his original interrogatory responses. ECF No. 71. I partially granted the motion, ECF No. 81, as to the following interrogatories: In interrogatory eleven, plaintiff asked defendant to provide the name, address, and badge number or otherwise identify any persons who know facts relevant to the “conduct” described in the interrogatories. *Id.* at 3. In interrogatory fourteen, plaintiff asked for the full name of the individual who extradited him from Eisenhower airport, which this court construed as asking for defendant’s full name. *Id.* at 4. Interrogatory fifteen partially asked with which law enforcement personnel or agencies defendant communicated while in Wichita, Kansas. *Id.* Interrogatory twenty-one asked what “primary role” detective Janine LeRose played in the extradition process. *Id.* at 5.

Defendant complied with my order and provided plaintiff with supplemental responses to the interrogatories. ECF No. 89 at 8-11. To interrogatory eleven, defendant identified “Sacramento Police Department Sergeant Terrance Mercadal, Badge Number 3090,” as a person who could know facts relevant to the current action. *Id.* at 9. Defendant provided his full name in response to interrogatory fourteen. *Id.* To interrogatory fifteen, defendant stated that “[t]here was communication with Butler County Sheriff’s Department and Butler County Jail to arrange the Plaintiff’s transportation to Dwight Eisenhower National Airport.” *Id.* at 10. In interrogatory twenty-one, defendant answered that “Detective Janine LeRose was assigned to the Warrants/Missing Person unit for the Sacramento Police Department. Prior to Detective LeRose’s retirement in 2020, LeRose’s job duties included the extradition of prisoners from other states, and obtaining Governor’s Warrants for prisoners refusing to be extradited.” *Id.* at 11.

Plaintiff now moves this court to compel additional responses to these interrogatories. ECF No. 89. As for interrogatory eleven, plaintiff contends that defendant’s answer was incomplete because he did not provide an address for Mercadal, did not state what shift Mercadal worked, and did not explain how plaintiff could locate Mercadal. *Id.* at 2. Plaintiff challenges defendant’s response to interrogatory fourteen, arguing that defendant still has not provided the

1 full name of the person whom defendant extradited. *Id.* As for interrogatory fifteen, plaintiff
2 argues that defendant failed to state whether he visited any law enforcement agencies, and failed
3 to identify the name of each agency and individual with whom he spoke, including those
4 individuals' names and badge numbers. *Id.* at 3. Finally, plaintiff contends that defendant's
5 answer to interrogatory twenty-one was insufficient because plaintiff did not ask what LeRose's
6 job description was, but instead asked what her primary role was in extraditing plaintiff. *Id.*
7 Plaintiff moves this court to issue sanctions against defendant and to find defendant in contempt
8 of court. *Id.* at 4-5.

9 Defendant opposes plaintiff's motion to compel. ECF No. 90. He argues that plaintiff
10 failed to meet and confer regarding the allegedly insufficient responses, in violation of federal
11 rules. *Id.* at 4-5. He also contends that his answers sufficiently complied with this court's order
12 to compel. *Id.* at 2-4. Regarding interrogatory eleven, defendant argues that his supplemental
13 response was complete despite not including Mercadal's address, because Mercadal's address is
14 confidential under California law. *Id.* at 2. He also argues that even if Mercadal's address was
15 not protected, he does not know Mercadal's address, and Mercadal is a City of Sacramento
16 employee, meaning that Mercadal is equally represented by the Sacramento City Attorney's
17 Office, an address plaintiff is familiar with due to this litigation. *Id.* To interrogatories fourteen
18 and fifteen, defendant contends that his answers fully complied with this court's order. *Id.* at 3-4.
19 He also argues his response to interrogatory twenty-one complied with this court's order, and that
20 to the extent plaintiff requested information regarding LeRose's personal involvement in
21 plaintiff's extradition, he did not have personal knowledge of that information. *Id.* at 4.

22 **B. Analysis**

23 Under Federal Rule of Civil Procedure 34, "[t]he party to whom [a request for production]
24 is directed must respond in writing within 30 days after being served." Fed. R. Civ. P.
25 34(b)(2)(A). The responding party may state an objection to any request but must offer a specific
26 rationale for doing so. In responding to a request to produce documents, the responding party
27 must affirmatively state whether any responsive materials are being withheld on the basis of the
28 proffered objection. Fed. R. Civ. P. 34(b)(2)(C).

1 Under Federal Rule of Civil Procedure 37, “a party seeking discovery may move for an
2 order compelling an answer, designation, production, or inspection.” Fed. R. Civ. P. 37(a)(3)(B).
3 The party seeking to compel discovery has the initial burden of establishing that its requests are
4 relevant, *see* Fed. R. Civ. P. 26(b)(1), but “[t]he party who resists discovery has the burden to
5 show that discovery should not be allowed, and has the burden of clarifying, explaining, and
6 supporting its objections.” *See Blemaster v. Sabo*, No. 2:16-CV-04557 JWS, 2017 WL 4843241,
7 at *1 (D. Ariz. Oct. 25, 2017) (quoting *DIRECTV, Inc. v. Trone*, 209 F.R.D. 455, 458 (C.D. Cal.
8 2002)).

9 As an initial matter, defendant is correct that parties generally must meet and confer
10 before bringing discovery disputes before the court. While plaintiff has apparently failed to meet
11 and confer regarding this dispute, I will not deny the motion to compel for that reason, and I
12 encourage plaintiff to confer with defendant before filing any future motions of this nature.

13 That being said, I deny plaintiff’s motion to compel because defendant has adequately
14 supplemented his interrogatory responses. Defendant’s response to plaintiff’s interrogatory
15 number eleven sufficiently provides the name, address, and badge number of any person with
16 facts relevant to the “conduct” at issue in the current suit. Defendant explained that he does not
17 have personal knowledge of Mercado’s address, and that plaintiff has the ability to find Mercado
18 via the Sacramento Attorney General’s Office—an office with which plaintiff is familiar at this
19 point in the litigation.

20 Additionally, defendant’s answers to interrogatories fourteen and fifteen sufficiently
21 comply with this court’s prior order. As for interrogatory fourteen, I previously directed
22 defendant to answer this interrogatory by providing plaintiff with defendant’s full name. *See* ECF
23 No. 81 at 4. Defendant complied with my prior instruction. *See* ECF No. 89 at 9. I also directed
24 defendant to state what law enforcement personnel or agencies defendant communicated with
25 while in Wichita, Kansas, and defendant’s supplemental response complies with that order. *See*
26 ECF No. 81 at 4; ECF No. 89 at 10. Finally, defendant’s response to interrogatory twenty-one
27 sufficiently complies with my prior order. Defendant listed LaRose’s role in the extradition
28 process generally, but he states that he has no personal knowledge of LaRose’s personal

involvement in extraditing plaintiff. ECF No. 89 at 11. Defendant sufficiently responded to plaintiff's interrogatories, and plaintiff's motion to compel is denied. Plaintiff's request for sanctions and to hold defendant in contempt are similarly denied.

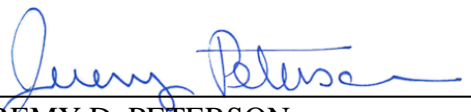
Conclusion

Accordingly, it is ORDERED that:

1. Plaintiff's motion to modify for law library access and "extraction," ECF No. 82, is DENIED.
2. Plaintiff's motion to show cause, ECF No. 86, is DENIED.
3. Plaintiff's motion to correct the case name, ECF No. 88, is DENIED.
4. Plaintiff's motion to compel, ECF No. 89, is DENIED.
5. The court's June 13, 2022 findings and recommendations, ECF No. 20, are vacated.

IT IS SO ORDERED.

Dated: March 7, 2025


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE